

MARSEILLE FORUM JUNE 2019

Italy



Italian Constitution has no express and direct reference to the right to housing. But there are indirect references

Article 14 of the Constitution protects the inviolability of the home - which obviously does not amount to a guarantee for the right to housing. Indirectly, we can also mention **article 31 of the Constitution**, which protects the family (204 of the 1996 law).

In fact, **the right to housing is mainly based on article 2 of the Constitution**, which recognizes inviolable human rights as underlying Italian doctrine and even, on some occasions, the Constitutional Court. In fact, this provision has always been the valve through which rights not expressly provided for in the Italian Constitution have been allowed to "enter" into Italian constitutional law.

We must also remember that Law 881 of 1977 adopted the International Treaty on Economic, Social and Cultural Rights. **Article 11 is devoted to the right to housing**, which is in fact a fully-fledged Italian right, even if it does not exist as such in the Italian Constitution.



Unione Inquilini

Italy has ratified the revised **European Social Charter 05/07/1999**, accepting 97 of its 98 paragraphs, including Article 31 on the right to housing. It accepted the Additional Protocol providing for a system of collective complaints on 03/11/1997, but has not yet made a declaration allowing national NGOs to submit collective complaints.

It should be remembered that the Italian state is characterised by a strong decentralisation (strong regionalism) which makes it similar to a federal state. Therefore, it is the individual regions that, through their own laws, regulate public housing (Edilizia ERP) as well as all housing support policies. **Only a few competences remained in the hands of the Italian State.**

Source : Unione Inquilini & Housing Rights Watch



LAND FINANCIALIZATION

In Italy, as in other southern European countries, we are witnessing a phenomenon of land concentration, following a change in the value of agricultural land. Land control is carried out by a smaller number of farms or large enterprises. **The value of agricultural land is increasingly being decoupled from its actual agricultural use: financial capital speculates on land for commercial purposes, mainly to capture the value of agricultural rent, but also its environmental value** (through carbon sequestration mechanisms, as well as through the production of "renewable energy").

This trend towards concentration is driven by three policies:

- 1) **The agricultural policy** that favours large farms rather than small farmers (Italian and European legislation)
- 2) **Land policy** that favours the "right of ownership" rather than the "right to produce" or the "right to cultivate"
- 3) **Energy policy**, with incentives for agri-production of renewable energy.

Source : Jennifer Franco and Saturnio M. Borras Jr, « [Land concentration, land grabbing and people's struggles in Europe](#) », TNI & FIAN, 2013

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